



TOWN OF YARMOUTH

1146 ROUTE 28 SOUTH YARMOUTH MASSACHUSETTS 02664-24451
Telephone (508) 398-2231 ext. 1240, Fax (508) 760-3472

BOARD OF HEALTH

ADVISORY LETTER

DATE: June 21, 2019
TO: Engineers and Registered Sanitarians
FROM: Amy von Hone, R.S., C.H.O.
Assistant Health Director
RE: Deed Restriction Submittal Requirements for Septic System Construction/Repair

As a reminder, the following criteria are required for those properties located within a Zone II or have approved variances that restrict additional sewage flow to an existing dwelling. To alleviate potential problems with future additions, the following conditions will apply:

VARIANCES TO GROUNDWATER:

Existing 2 bedroom dwellings may design for the required minimum 3 bedroom size system if there are no variance requests to groundwater. If a variance to groundwater is requested for an existing 2 bedroom dwelling, a 2 bedroom deed restriction must be recorded on the property deed if the septic is designed for either a 2 or 3 bedroom capacity system. **Variations to groundwater will not be granted for oversized systems unless a bedroom restriction is placed on the property deed.**

ZONE II – WELLHEAD PROTECTION AREAS:

Existing 2 bedroom dwellings may design for the required minimum 3 bedroom size system if the subject lot is large enough to meet the Zone II requirements for a 3 bedroom system (with or without an alternative septic system). If the subject lot does not meet the minimum lot size requirements based on a standard Title 5 system, a 2 bedroom deed restriction must be recorded on the property deed if the septic is designed for either a 2 or 3 bedroom capacity system. **Oversized systems will not be granted for undersized lots based on the Zone II lot size requirements unless a bedroom restriction is placed on the property deed.**

Required Bedroom Deed Restrictions must be noted on the septic plan.

Effective March 1, 2019, Deed Restrictions must be completed, recorded at the Barnstable County Registry of Deeds, and a copy submitted to the Health Department prior to the issuance of a septic installation permit. It is the applicant's or his representative's responsibility to complete the Deed Restriction for Registry recording. The Deed Restriction Templates (PDF and Fillable Forms for online completion) can be found at www.yarmouth.ma.us/429/Downloadable-FormsApplications. The Zone II Map layer is now available on the Yarmouth GIS Map to confirm if the property is located in the Zone II.